IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

CRP.No. 843 of 2004

AGAINST THE ORDER DATED 21/05/03 IN EP 29/2000 IN LAR.16/1998 of SUB COURT, NEDUMANGAD

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REVISION PETITIONER:

STATE OF KERALA

BY GOVERNMENT PLEADER MR.THOMAS JOHN AMBOOKEN

RESPONDENT:

S.SHAHIDHA, KARAKKOTTUKUNNINPURATHU VEEDU, THELDUMKARA MURI, NEDUMANGADU.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.2006/04 IN C.R.P.843/04

DISMISSED

28.6.2007 SD/-PIUS C.KURIAKOSE, JUDGE

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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C.R.P.No.843 OF 2004

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DATED THIS THE 28TH JUNE, 2007

O R D E R

There is no appearance for the respondent-decree-holder even though she has been served with notice.

2. The C.R.P. is directed against an order of the execution court executing a decree in a land acquisition case directing the judgment-debtor-State to deposit further amounts. I am of the view that having regard to the principles laid down by the Supreme Court in the judgment of the Constitution Bench in **Sunder v. Union of India** (2001 (3) KLT 489) and still later judgment in **Gurpreet Singh v. Union of India** [(2006) 8 SCC 457], the matter requires reconsideration at the hands of the execution court. The impugned order is set aside and the execution court is directed to take a fresh decision in the matter in the light of the decisions referred to above, after hearing both sides.

The C.R.P. is allowed as above.

(PIUS C.KURIAKOSE, JUDGE)

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